

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JACQUELYN HALL, et al.,

No. C 12-4922 RS

Plaintiffs,

v.

HOUSING AUTHORITY OF THE
COUNTY OF MARIN,

Defendant.

**ORDER SHORTENING TIME FOR
HEARING MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT**

Plaintiffs' request¹ for an order permitting their motion for preliminary settlement approval to be heard on shortened time is granted. The motion will be heard on May 15, 2014, at 1:30 p.m. The request to have "preliminary" approval of the request for attorney fees heard on the same shortened schedule is denied, on grounds that "preliminary" approval of fee requests is neither required nor appropriate. Although the anticipated amount of fees that will be claimed, and any agreement between the parties relating thereto, are among the factors that may be considered in

¹ Although plaintiffs labeled their request as an "*ex parte* application," it was filed through the ECF system, and therefore was not presented on an *ex parte* basis, which would not have been warranted in any event. See Civil Local Rule 7-10 ("a party may file an *ex parte* motion, that is, a motion filed without notice to opposing party, only if a statute, Federal Rule, local rule or Standing Order authorizes the filing of an *ex parte* motion in the circumstances and the party has complied with the applicable provisions allowing the party to approach the Court on an *ex parte* basis.") The request will be deemed a motion to change time, properly brought under Rule 6-3.

1 preliminarily weighing the fairness and adequacy of the settlement, the fees are not subject to
2 separate preliminary approval. In the event preliminary approval of the settlement is granted,
3 plaintiffs may refile their “preliminary” fee motion as an ordinary motion for a fee award, to be
4 heard on the same date as the final settlement approval hearing.

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6 IT IS SO ORDERED.

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8 Dated: 5/7/14



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE